

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. 01-014

FILED

YARBRO, LTD., a Nevada Corporation, d/b/a)
LAKE MEAD RADIOLOGISTS,)

Plaintiff and Appellant,)

v.)

MISSOULA FEDERAL CREDIT UNION,)
a Montana Banking Corporation, DOE INDIVIDUALS)
I-X, and ROE CORPORATION I-X,)

Defendant and Respondent.)

APR 11 2001

Ed Smith
CLERK OF SUPREME COURT
STATE OF MONTANA

ORDER

APR 2001

(3 PEOPLE)

Respondent Missoula Federal Credit Union has moved this Court to strike attachments F, H, and J from the appendix to Appellant's opening brief, along with all arguments based on those attachments, on the basis that those attachments are not part of the record created in the district court. Exhibits F and J are copies of one-page letters between counsel to this action. Exhibit H is a copy of a set of responses to discovery requests.

On April 2, 2001, Appellant filed a response objecting to the motion to strike. Appellant contends that attachments F, H, and J, are included in the record. That contention is disproved, however, by an examination of the record.

It appearing that Respondent's motion is well-founded,

IT IS ORDERED that the motion to strike is GRANTED and Attachments F, H, and J shall be stricken and physically removed from the original and each copy of Appellant's opening brief, and

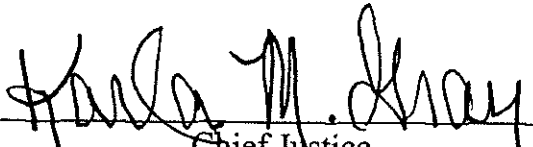
IT IS FURTHER ORDERED that the following portions of the original and each copy of Appellant's opening brief shall be redacted:

- a. the last four lines of page 8, to the end of the parenthetical

- b. lines 5 through 8 of page 11, to the end of the parenthetical
- c. beginning with the words "In fact," lines 1-4 of page 16
- d. the second full paragraph of page 22.

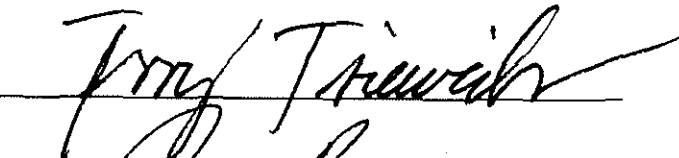
The Clerk is directed to mail copies of this Order to all counsel of record.

DATED this 10th day of April, 2001.

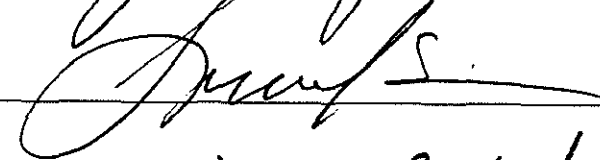


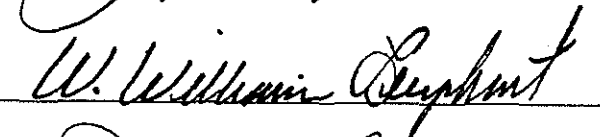
Chief Justice

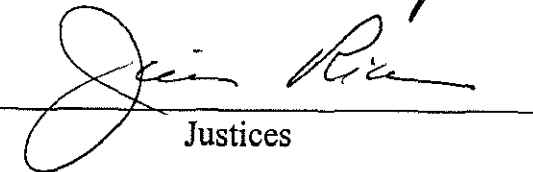












Justices